

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MICHAEL RICCITELLO,)	
Petitioner,)	Civil Action No. 15-88 Erie
)	
v.)	
)	Magistrate Judge Susan Paradise Baxter
MRS. NANCY GIROUX, <u>et al.</u>,)	
Respondents.)	

OPINION AND ORDER

The Petitioner, Michael Riccitello, is currently incarcerated in the State Correctional Institution located Albion, Pennsylvania ("SCI Albion"). He has filed with this Court a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. In the petition, Riccitello is challenging the judgment of sentence imposed upon him on September 9, 2013, by the Court of Common Pleas of Bucks County. SCI Albion is located within the territorial boundaries of this District. Bucks County is located within the territorial boundaries of the United States District Court for the Eastern District of Pennsylvania.

When a state prisoner files a petition for a writ of habeas corpus in a state like Pennsylvania, which contains two or more Federal judicial districts,

the application may be filed in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him and each of such district courts shall have concurrent jurisdiction to entertain the application. **The district court for the district wherein such an application is filed in the exercise of its discretion and in furtherance of justice may transfer the application to the other district court for hearing and determination.**

28 U.S.C. § 2241(d) (emphasis added).

Because Riccitello was tried, convicted, and sentenced in the Court of Common Pleas of Bucks County, the Court finds that the furtherance of justice, as well as the convenience of the parties, would be better served by transferring this case to the Eastern District Court. This decision is in accordance

with the agreed practice of the U.S. District Courts for the Eastern, Middle, and Western Districts of Pennsylvania, which is to transfer any habeas petitions filed by state prisoners in their respective districts to the district in which the county where the judgment of sentence was had is located.

An appropriate Order follows.

Dated: May 18, 2015

/s/ Susan Paradise Baxter
SUSAN PARADISE BAXTER
United States Magistrate Judge

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MRS. NANCY GIROUX, et al.,)
Respondents.) **Magistrate Judge Susan Paradise Baxter**

ORDER

AND NOW, this 18th day of May, 2015;

IT IS HEREBY ORDERED that this case be transferred forthwith to the United States District Court for the Eastern District of Pennsylvania.

/s/ Susan Paradise Baxter
SUSAN PARADISE BAXTER
United States Magistrate Judge